

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LILLIAN GRADILLAS, ET AL.,

No. C 12-03697 CRB

Plaintiffs,

**ORDER VACATING MOTION  
HEARING AND SETTING CASE  
MANAGEMENT CONFERENCE**

v.

LINCOLN GENERAL INSURANCE CO.,  
ET AL.,

Defendants.

/

In light of Defendant's Request for an Enlargement of Time (dkt. 91), the Court VACATES the February 22, 2013 hearing currently set for Plaintiffs' Motion to Amend the Complaint, Enter Judgment, and Include Pre-Judgment Interest (dkt. 78), and SETS a case management conference for the same date and time. The parties should come to the conference prepared to discuss a discovery plan that is both (1) limited to the issue of collusion,<sup>1</sup> and, because Defendant seeks such discovery to support an eventual motion for

<sup>1</sup> See Carlson v. Century Surety, Co., No. 11-356, 2012 U.S. Dist. LEXIS 40986, at \*21-22 (N.D. Cal. Mar. 26, 2012) (for a stipulated judgment to be enforceable against an insurer, "it must be (1) reasonable, (2) free from fraud, and (3) free from collusion").

1 reconsideration, see dkt. 91 at 5, (2) consistent with Civil Local Rule 7-9(b)(1),<sup>2</sup> particularly  
2 its diligence requirement.

3 **IT IS SO ORDERED.**

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5 Dated: February 13, 2013  
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CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE

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26       <sup>2</sup> That Rule provides that one basis for reconsideration – presumably the basis at issue here – is  
27 that a party show “That at the time of the motion for leave, a material difference in fact or law exists  
28 from that which was presented to the Court before entry of the interlocutory order for which  
reconsideration is sought. The party also must show that in the exercise of reasonable diligence the  
party applying for reconsideration did not know such fact or law at the time of the interlocutory order.”  
Id.